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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,586	03/07/2002	Hiroshi Koyama	108421-00036	7690
7590	04/06/2005			EXAMINER
Arent Fox kintner Plotkin & kanh, PLLC 1050 Connecticut Avenue, N.W., Suite 600 Washington, DC 20036-5339			MCNEIL, JENNIFER C	
			ART UNIT	PAPER NUMBER
			1775	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/091,586	KOYAMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jennifer C McNeil	1775	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 2 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 3-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 13, 2005 has been entered.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (JP 2000-233625). Inoue teaches a hollow stabilizer having a thickness ratio of 20-27 %. The stabilizer is shot peened after a bending process. Inoue does not teach a thickness ratio of greater than 27%. Inoue teaches that it is difficult, but not impossible, to form a pipe with a thickness ratio above 27%. This clearly shows that one of ordinary skill in the art would be capable of forming a pipe having a thickness ratio greater than 27%, and absent a showing of unexpected results, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a stabilizer having a thickness of greater than 27%. Furthermore, Inoue teaches a ratio (20-27%) is considered substantially close to that of the claimed range (more than 27%) that absent a showing of unexpected results, one of ordinary skill would

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have found it obvious to form a stabilizer having a thickness ratio of more than 27%, with the expectation that the stabilizer would provide at least the same performance as that of Inoue.

Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siecinski et al (US 6,206,392) in view of Brown et al (US 4,854,150). Siecinski teaches a stabilizer bar having a diameter of 18-50 mm and a thickness in the range of 10-25% of the diameter. These ranges include a thickness ratio of 25% (4.5 thickness/18 diameter). Siecinski does not teach shot peening of the bar. Brown teaches a hollow stabilizer bar having a similar thickness ratio to that of Siecinski and further teaches peening the workpiece to withstand stress corrosion cracking (col. 14, lines 46-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to peen the stabilizer of Siecinski in the manner taught by Brown to provide a bar with the ability to withstand stress corrosion cracking. While Siecinski does not teach a thickness ratio greater than 25%, this ratio is considered substantially close to that of the claimed range (more than 27%) that absent a showing of unexpected results, one of ordinary skill would have found it obvious to form a stabilizer having a thickness ratio greater than 25%, up to more than 27%, with the expectation that the stabilizer would provide at least the same performance as that of Siecinski.

*Response to Arguments*

Applicant's amendments and arguments have overcome the 102 (b) rejections of the previous office action.

Applicant argues that Inoue and Siecinski do not teach a thickness ratio presently required by the instant claims. Applicant has not addressed the obviousness rejections. Therefore, these rejections are held.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer C McNeil whose telephone number is 571-272-1540. The examiner can normally be reached on 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer McNeil  
April 2, 2005